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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,063	07/28/2003	Alexey S. Kabalnov	200309257-1	5846

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EXAMINER

HUFFMAN, JULIAN D

ART UNIT PAPER NUMBER

2853

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,063

Applicant(s)

KABALNOV ET AL.

Examiner

Julian D. Huffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,10,11,13,17,19,21,22 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-9,12,14-16,18,20,23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/03, 7/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species 1b, 2a and 3a in the reply filed on 2 May 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant did not point out which claims read on the elected species, therefore the examiner has made this determination. Claims 2, 3, 5, 10, 11, 13, 17, 19, 21, 22 and 24 read on the elected species (1b, 2a and 3a).

Claims 2, 3, 5, 10, 11, 13, 17, 19, 21, 22 and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2 May 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7, 8, 12, 15, 16, 20, 23 and 26 are rejected under 35 U.S.C. 102(a) and 35 U.S.C. 102(e) as being anticipated by Lee (US 20030025321 A1).

The rationale for the rejection of the claims under both 35 U.S.C. 102(a) and 35 U.S.C. 102(e) is provided in MPEP 706.02(a)II C and results from 35 USC 103(c) and apparent common ownership between the present application and Lee.

With regards to claims 1, 4 and 7, Lee discloses a print medium (fig. 2) having a data storage device (fig. 2, element 8) attached thereto (section 0019, the reference refers to element 2 which represents the entire structure shown in fig. 2 including the ink receptive layer 10, magnetic layer 8 and base layer 6 which are attached using adhesive or the like), said print medium being configured to receive a printed image (layer 10 receives a printed image 14), and said data storage device configured to receive and store printing information (0021, magnetically encoded copy of the printed text and images), wherein the data storage device comprises a magnetic strip (8) and stores data related to the printed image.

With regards to claims 8 and 16, Lee discloses an ink jet printing system (0011, 0017) comprising:

- a print medium configured to receive a printed image (fig. 2, layer 10 receives printed image 14);

- a data storage device (8) attached to the print medium (0019, the reference refers to element 2 which represents the entire structure shown in fig. 2 including the ink receptive layer 10, magnetic layer 8 and base layer 6 which are attached using

adhesive or the like), said data storage device configured to receive and store printing information (0021);

a printer configured to print the image on the print medium (0011, 0017) and a printing information processor associated with the printer, said printing information processor being configured to read data from *or* write data to the data storage device (ink jet printers require a processor in the printer, or nearby, to control the device to print the print data, alternatively a nearby processor would be required to read the magnetic data, in either case, the processor is required, associated with the printer and part of the system).

With regards to claims 12 and 15, the data storage device comprises a magnetic strip (8) which stores information relating to the printed image (0021).

With regards to claims 20, 23 and 26, Lee discloses a method of associating printing information with a print medium, comprising the steps of:

attaching a data storage device comprising a magnetic strip (8) to a print medium (0019, the reference refers to element 2 which represents the entire structure shown in fig. 2 including the ink receptive layer 10, magnetic layer 8 and base layer 6 which are attached using adhesive or the like); and

storing printing information, including information relating to printed material applied to the print medium, on the data storage device (0021).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 9, 14, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Smith.

Lee discloses everything claimed with the exception of the printing information processor integrated with the printer capable of reading *and* writing data and providing information indicative of properties of a print medium.

Smith discloses a printing information processor (fig. 1, element 20) integrated with a printer (10) which controls the printer to print and read a code on the print media (fig. 2, controller is connected to optical sensor 34 which reads the data and printhead 12 which prints the data on the paper, column 3, lines 47-50, column 4, lines 19-22), wherein the code includes data which indicates the type of print medium used in the printer (column 3, lines 35-38).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide Lee with an information processor to read and write the information and to store the media type in the code, as taught by Smith into Lee, for the purpose of providing a means for the printer to read and write the coded information thereby enabling functionality of the system without requiring external control or processing means and providing information about media type to the printer controller to

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automatically optimize print quality for the designated media type (column 2, lines 20-23).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 9:30a.m.-6:00p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JH
12 May 2005


K. FEGGINS
PRIMARY EXAMINER
5/05